

Establishing Paternity

THE FIRST THREE DAYS OF YOUR CHILD'S LIFE CAN BE AMAZING. DURING THIS TIME YOU CAN BE ESTABLISHING A BOND WITH YOUR BABY THAT WILL LAST A LIFETIME.

These are truly some of the most important moments in your child's life. During this time you can establish a legal relationship with your child. In Indiana, the law allows you to establish paternity **within the first 72 hours (three days)** after the birth of your child, by both parents simply completing and signing a paternity affidavit provided by the State Department of Health. If you and the mother of your child are not married, you should both seriously consider establishing paternity for your child immediately. This is the easiest way available to establish this important legal relationship between you and your child. These three days can make a difference for your child's entire life.

What is Paternity?

PATERNITY IS THE RELATIONSHIP BETWEEN A FATHER AND HIS CHILD. ESTABLISHING PATERNITY IS THE PROCESS OF MAKING THIS A LEGAL RELATIONSHIP.

Why is establishing Paternity important?

There are many reasons to establish paternity. It can provide benefits to the parents as well as the child, and it is a good way to get the relationship with your child off to a good start. Some of the benefits of establishing paternity are:

IDENTITY: It is important to know who we are. Your child will benefit from the sense of belonging that comes from knowing both parents.

BIRTH CERTIFICATE: By law, if you sign the paternity affidavit, your name will be listed as the father on the child's birth certificate

FINANCIAL: The law requires that both parents support their child. Establishing paternity is the first step in making plans, which can be monitored by

the courts, to provide the financial support that your child will need in a way that is fair to both parents.

BENEFITS: Your child has the right to other possible benefits from both parents. Many of these will be denied to your child if legal paternity is not established. Some of these benefits may include:

- Social Security from a deceased or disabled parent
- Inheritance Rights
- Veteran's Benefits
- Life Insurance
- Health Insurance

MEDICAL: A child needs to know if he or she may have inherited any special health problems from either side of the family. Also, it might be possible to obtain medical insurance through a parent's employer, union, or military service.

RELATIONSHIPS: Both parents have a right to establish a healthy relationship with, and the responsibility to care for, their son or daughter. Making the relationship legal right from the beginning provides a greater opportunity for this to take place, and ensures your right to pursue a relationship with your child.

NAME: If you are not married to the mother of your child at the time your child is born, the state is required to register the child with the mother's last name. If paternity is established by an affidavit, and the mother agrees, you can make sure that your child has your name.

How is legal paternity established?

If the mother is married when the child is born, her husband is presumed by law to be the father.

If the mother has been divorced or widowed for less than 10 months, her husband at the time of conception is considered by law to be the father.

If the mother is married at the time of birth or was married at the time of conception, but, in a dissolution of marriage action, her husband contends he is not the natural father of the child, the court may require a genetic test be conducted to determine if he is or is not the natural father of the child. If the mother is not married at the

time of the birth of the child, and was not married at the time of conception, paternity can be established in these ways:

HOSPITAL AND ADMINISTRATIVE PATERNITY AFFIDAVITS: You may complete a paternity affidavit provided by the State Department of Health **within 72 hours (three days) of the birth of your child.**

This must be signed by both the mother and the father. The paternity affidavit form, along with a verbal explanation of the legal effects of the document, will be provided to the mother and father by hospital staff at the same time the birth certificate is completed

Effective July 1, 1997, paternity can be established by completing the required paternity affidavit form at a local health department. If executed through a local health department, the process must be completed before the child is emancipated by operation of law (age 21) or by court order. A properly executed paternity affidavit establishes legal paternity and parental rights and responsibilities. The affidavit may be set aside by filing a court action **within 60 days** of the signing of the affidavit without good cause. The affidavit may not be set aside **after the 60 day period** except for good cause reasons provided by law and found to exist by a court.

COURT DETERMINATION: Paternity may be established by filing a paternity action in court. The parties may agree to the paternity or request a genetic test provided that there is not a paternity affidavit signed more than 60 days ago.

Why do I need to think about this now?

Now is the best time to establish paternity for your child. If you become involved from the beginning of your baby's life, you are more likely to have a relationship with that child as he or she grows up. Taking time to do this now can benefit your child for the rest of his or her life. There are also several practical reasons to establish paternity right away:

1. If you establish in-hospital paternity by signing the paternity affidavit **within the first 72 hours (three days)** after your child is born, you will not need to go through any additional steps.

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2. If you complete the paternity affidavit at the same time, or before completing the birth certificate, you can make sure the information on your child's birth certificate is accurate the first time. This will save you the trouble and expense of having the birth certificate changed later.
3. As with the birth certificate, completing the paternity affidavit at the same time or before applying for the Social Security number will ensure that the child's information is correct the first time.

Is this required by law?

There is no law that requires you to sign the paternity affidavit. However, if the mother of your child receives public assistance, she may be required to cooperate in establishing paternity and obtaining a support order. If she does not receive public assistance, she may still go to the Prosecutor's Office on her own and request assistance in establishing paternity and pursuing child support. As you have a right to a hearing to determine if you are the father of the child, the mother has a right to require you to participate in establishing paternity through the court. In other words, you are not required to sign this affidavit now, but you may be required by law to participate in establishing paternity at some point.



IMPORTANT NUMBERS IN INDIANA:

Child Support HOTLINE
800-840-8757

Child Abuse and Neglect HOTLINE
800-800-5556



Establishing Paternity

for the Father



State of Indiana

Mitchell E. Daniels, Jr., Governor

Department of Child Services

402 W. WASHINGTON STREET, Room W392
INDIANAPOLIS, INDIANA 46204-2739

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